

EXHIBIT 7

From: Caixeiro, Manny J. MJCaixeiro@Venable.com 
Subject: RE: EF-ecobee Cross-Use Agreement
Date: June 14, 2022 at 7:52 AM
To: Kristopher Davis kdavis@raklaw.com, Lubezny, Steven M. SMLubezny@Venable.com, Taylor, Catherine N. CNTaylor@Venable.com, Carroll, Timothy J. TJCarroll@Venable.com
Cc: rak_ecofactor@raklaw.com



Kris –

To close the circle on this, yes, ecobee agrees to the cross-use agreement.

Also, relating to discovery, we have responses to your interrogatories in WDTX 2 due on 6/21. Our team is currently in the throes of trial preparation, so request an extension of that response date to 7/8. Please let us know if that is acceptable on your end.

Regards,

Manny

From: Caixeiro, Manny J.
Sent: Friday, June 3, 2022 9:40 AM
To: 'Kristopher Davis' <kdavis@raklaw.com>; Lubezny, Steven M. <SMLubezny@Venable.com>; Taylor, Catherine N. <CNTaylor@Venable.com>; Carroll, Timothy J. <TJCarroll@Venable.com>
Cc: rak_ecofactor@raklaw.com
Subject: RE: EF-ecobee Cross-Use Agreement

Kris-

We are 95%+ sure we have agreement on this and will proceed with our disclosures on Monday as though there is a final agreement. We have substantial filings in another matter today so I can't completely close the loop with the client.

Having said that, I think it would be helpful for you, Marc, Reza, Tim and I to hop on a call on Tuesday. We should have finality from ecobee by then and there are a couple of related issues we should discuss.

Enjoy your weekend,

Manny

From: Kristopher Davis <kdavis@raklaw.com>
Sent: Friday, May 20, 2022 8:33 AM
To: Caixeiro, Manny J. <MJCaixeiro@Venable.com>; Lubezny, Steven M. <SMLubezny@Venable.com>; Taylor, Catherine N. <CNTaylor@Venable.com>; Carroll, Timothy J. <TJCarroll@Venable.com>
Cc: rak_ecofactor@raklaw.com
Subject: EF-ecobee Cross-Use Agreement

Caution: External Email

Counsel for ecobee,

We wanted to revisit our prior discussions about cross-use to help streamline discovery in the pending EcoFactor-ecobee cases. EcoFactor proposes the following:

- Documents produced by EcoFactor and ecobee in the 1185 Investigation, the 1258 Investigation, and the WDTX-00078 case are deemed produced in the WDTX-00428, WDTX-00033, and DDE-00323 cases.
 - In each of the WDTX-00428, WDTX-00033, and DDE-00323 cases, source code printouts should be requested anew because printouts from prior cases are not automatically deemed produced in later cases. The receiving party is permitted to review printouts from prior cases for purposes of determining whether to request that any such prior printouts be deemed produced or re-produced (i.e., produced anew with different bates numbers) in the WDTX-00428, WDTX-00033, and/or DDE-00323 cases.
- Deposition transcripts, trial transcripts, and written witness statements of EcoFactor and ecobee fact witnesses in the 1185 Investigation, the 1258 Investigation, and the WDTX-00078 case are deemed produced in the WDTX-00428, WDTX-00033, and DDE-00323 cases.

We did not list the DMA-10049 case above only because it is stayed, but we would propose including that case as well should it resume.

Please provide ecobee's feedback on this proposal. If you'd like to discuss by phone, we are generally available early next week.

Regards,
Kris

Kristopher Davis
Russ August & Kabat
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025
(310) 826-7474
kdavis@raklaw.com

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.
